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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/981,817

Applicant(s)

FROUIN, LAURENT

Examiner

George C. Neurauter, Jr.

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 10, 11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-7, 10-11, and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-4, 6-7, 10-11, and 13-20 are currently presented and have been examined.

The response to the requirement for information under 37 CFR 1.105 has been considered and is considered to be a complete reply.

Response to Arguments

Applicant's arguments filed 21 December 2007 have been fully considered but they are not persuasive.

The Applicant argues that "IRC-38" does not teach or reasonably suggest the amended claimed invention. The Examiner disagrees and submits that "IRC-38" does continue to teach and/or reasonably suggest the claimed invention.

The Examiner also notes for the record that the Applicant has again failed to specifically show the support within the specification for the amendments made to claims after the Examiner requested the Applicant in the non-final Office Action mailed 23 July 2007 to specifically point out the specific page and line numbers and/or paragraph numbers and/or figures that support the amendments filed in future responses.

Specification

The incorporation of essential material in the specification by reference at page 2, lines 28-29, page 7, lines 31-32, and page 8, lines 30-32 to an unpublished U.S. application, foreign application or patent, or to a publication, is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if

the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The attempt to incorporate subject matter into this application by reference to foreign applications is ineffective because the words "incorporation" and/or "reference" are omitted, specifically on page 2, lines 28-29 and page 7, lines 31-32. Also, page 7, lines 31-32 merely refer to "earlier applications". This attempt to incorporate subject matter is improper as no specific applications are identified.

Claim Interpretation

The Examiner emphasizes for the record that the claims employ broad language including the use of words and phrases such as "node", "host", "subnetwork", "search signal", "technical features", and "operating commands", which have broad meanings in the art and have multiple embodiments and interpretations that extend well beyond the scope of the specification. In addition, the Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations.

Since the claims breadth allows multiple interpretations, meanings, and embodiments, which are broader than Applicant's disclosure, the Examiner is required to interpret the claim limitations in terms of their broadest reasonable interpretations while determining patentability of the disclosed invention. See MPEP 2111. In other

words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004).

Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003).

The interpretation of the claims by their broadest reasonable interpretation reduces the possibility that, once the claims are issued, the claims are interpreted more broadly than justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). Also, limitations appearing in the specification but not recited in the claim are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the failure to significantly narrow definition or scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. Such broad interpretation is shown in the rejections listed below.

The elements "node", "host", "subnetwork", "search signal", "technical features", and "operating commands" defined within the specification and recited in claims 1-4, 6-7, 10-11, and 13-20 will be given its broadest reasonable interpretation and will be interpreted by the Examiner that is consistent with the disclosures of the specification and the interpretation that those skilled in the art would reach. See MPEP § 2111.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 6-7, 10-11, and 13-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-4, 6-7, 10-11, and 13-20 recite transmitting data between nodes on a sub-network. The specification describes a "packet switching device" or "switching means" in the sub-network to allegedly enable this transmission of data, however, this subject matter is not described in the specification in order to enable to one skilled in the art to make and/or use the invention without undue experimentation based on the improper incorporation by reference of this subject matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-7, 10-11, and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 recite "...if said...host" proves or does not prove to "be the host to be actuated". It is unclear how this determination occurs. Also, there is insufficient antecedent basis for this "actuation" in the claim.

Claims 6, 10, 11, and 13 recite "...transmits the search signal once again on the sub-network." Claim 7 similarly recites "...to transmit a search signal once again..." Claim 11 similarly recites "...a search signal is transmitted once again..." Claim 15 recites "...determining when the search signal is transmitted again on the sub-network..." It is unclear what element is the destination of the new search signal on the sub-network communication medium. Regarding claim 11, it is also unclear whether the "search signal" is the previously recited signal or is a new search signal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 10-11, and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by "IRC-38 Infrared Receiver Product Information" ("IRC-38").

Regarding claim 1, "IRC-38" disclosed a method of managing a communication network comprising a sub-network having communication nodes interconnected by link

conveying digital signals, and a plurality of hosts, said hosts being able to exchange data via the sub-network, said communication nodes comprising data and control interfaces for exchanging data and operating commands with hosts to which said communication nodes are connected, the method comprising the steps of:

transmitting a search signal from a first communication node to a second communication node of the sub-network, said search signal containing information representing technical features of a host to be actuated from said first communication node, the transmission being performed in accordance with instructions from a remote control; (page 1, specifically "The IRC-38 Infrared Receiver receives infrared codes from a source remote control...")

identifying a candidate host, that is connected to said second communication node and that has technical features compatible with the technical features contained in the search signal; wherein, if said candidate host proves not to be the host to be actuated, a search signal is transmitted once again in order to continue the search, whereas, if said host does prove to be the host to be actuated, operating commands are sent to said candidate host by means of the control interface of the second communication node and the search is interrupted. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it. For example, if it sees a Sony Power On...")

Regarding claim 2, "IRC-38" disclosed the method according to claim 1, wherein if the data interface of the candidate host is adapted to exchange analogue data signals then the compatibility of the technical features contained in the search signal is determined with regard to the technical features of the data interface of the candidate host. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it.")

Regarding claim 3, "IRC-38" disclosed the method according to claim 1, wherein the steps of transmitting and identifying are repeated until the identification of two hosts that do prove to be the hosts to be actuated, in order to put said two hosts into communication. (page 1, specifically "Adaptable to almost any type of serial or TTL controllable device")

Regarding claim 4, "IRC-38" disclosed the method according to claim 3, wherein the two hosts put into communication are connected to the same communication node. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output...you can use almost any remote to control it. For example, if it sees a Sony Power On....If it sees an NEC code structure...Adaptable to almost any type of serial or TTL controllable device")

Regarding claim 6, "IRC-38" disclosed a communication node that forms part of a communication network comprising a sub-network having communication nodes interconnected by links conveying digital signals, and a plurality of hosts able to exchange data via the sub-network, said node comprising:

At least one data interface for connection to a host to exchange signals; ("RS-232" (Serial)" or "TTL")

At least one control interface to transmit operating commands to the host; and a unit for supplying signals representing the operating commands received from at least one other node to said control interface, wherein said unit supplies the signals if the data interface connected to the host has technical features identified in a search signal received from another node, and wherein, if the data interface connected to the host does not have the technical features identified in a search signal received from another node, said unit transmits the search signal once again on the sub-network. (page 1, specifically "page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals)

Regarding claim 7, "IRC-38" disclosed a communication node that forms part of a communication network comprising a sub-network having communication nodes interconnected by links conveying digital signals, and a plurality of hosts to exchange data via the sub-network, said node comprising;

At least one receiver to receive operating commands intended for any host in the network; and a unit to produce signals representing the operating commands and being transmitted to other nodes, wherein said unit produces the signals based on a technical feature of the host to transmit a search signal once again when said technical feature is not identified in the search signal. (page 1, specifically "page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals)

Regarding claim 10, "IRC-38" disclosed the communication network according to claim 6, wherein said data represent audio-visual information. (page 1, specifically "Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it. For example, if it sees a Sony Power On...")

Claim 11 is rejected since the claim recites a computer readable storage medium that contains substantially the same limitations as recited in claim 1.

Regarding claim 13, "IRC-38" disclosed a communication node that forms part of a communication network comprising a sub-network consisting of communication nodes interconnected by links conveying signals, and a plurality of hosts being able to exchange data via the sub-network, said node comprising:

Comparing means for comparing technical features indicated in a received search signal with technical features of a host to which said node is connected; and a control interface that starts up and operates said host based on a comparison result by the comparing means and transmits the search signal once again on the sub-network when the comparing means determines that the technical features indicated in the received search signal are different from the technical features of the host. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it.")

Regarding claim 14, "IRC-38" disclosed a communication node according to Claim 13, further comprising:

at least one data interface for connecting a host to exchange analog signals and to receive operation commands from said control interface; and a unit for supplying said control interface with received signals which represent these operating commands. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code

set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it.")

Regarding claim 15, "IRC-38" disclosed a communication node that forms part of a communication network comprising a sub-network consisting of communication nodes interconnected by links conveying digital signals, and a plurality of hosts to exchange data via the sub-network, said node comprising:

means for transmitting to all nodes in the network a search signal containing information representing technical features of a host to be actuated; means for sending operating commands to said host to be actuated; means for determining when the search signal is transmitted again on the sub-network; and means for sending operating commands to said host to be actuated when the search signal is no longer transmitted again on the sub-network. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it.")

Regarding claim 16, "IRC-38" disclosed a communication node according to Claim 15, further comprising:

at least one receiver to receive operating commands intended for said host to be actuated; and a unit to produce signals representing the operating commands. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control

equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...")

Regarding claim 17, "IRC-38" disclosed a communication apparatus comprising:
a wireless communication means for wirelessly communicating with another wireless communication apparatus; a wired communication means for communicating with another apparatus; receiving means for receiving, by said wireless communication means, instruction signals for instructing to search for an apparatus possessing a predetermined technical feature; and searching means for searching, by said wired communication means, the apparatus possessing the predetermined technical features based on the received instruction signal (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it."), wherein said searching means comprises:

requesting means for sending a request, through said wired communication means, to a distant apparatus to obtain information on a connected apparatus connected to said distant apparatus, and continuing searching means for continuing searching for an apparatus possessing the predetermined technical feature, said continuing searching means being activated as a function of a response to said request.

(page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it. For example, if it sees a Sony Power On...")

Regarding claim 18, "IRC-38" disclosed the communication apparatus according to Claim 17, further comprising controlling means for controlling the apparatus searched by said searching means. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output... Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it.")

Regarding claim 19, "IRC-38" disclosed the communication apparatus according to Claim 18, wherein said controlling means operates the searched apparatus by an operating command. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output... Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it. For example, if it sees a Sony Power On...")

Regarding claim 20, "IRC-38" disclosed a method for searching for an apparatus possessing a predetermined technical feature by a communication apparatus, comprising:

a wireless receiving step of wirelessly receiving an instruction signal for instructing to search for an apparatus possessing the predetermined technical feature; and a searching step of searching for the apparatus possessing the predetermined technical feature based on the received instruction signal. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment using either RS-232 (Serial) output, TTL (motors, switches) output...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it."), wherein said searching means comprises:

requesting means for sending a request, through said wired communication means, to a distant apparatus to obtain information on a connected apparatus connected to said distant apparatus, and continuing searching means for continuing searching for an apparatus possessing the predetermined technical feature, said continuing searching means being activated as a function of a response to said request. (page 1, specifically "The IRC-38 Infrared Receiver allows an infrared remote control...to control equipment...the IRC-38 Infrared Receiver receives infrared codes from a source remote control and converts them to output signals...Now also available with off the shelf code set which recognizes Sony, NEC, and RC5 infrared code structures...so you can use almost any remote to control it. For example, if it sees a Sony Power On...")

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571)272-3918. The examiner can normally be reached on the hours between 8:30am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C. Neurauter, Jr./
Primary Examiner, Art Unit 2443